

DAVIS WRIGHT TREMAINE LLP

James P. Walsh, CSB. No. 184620
Gwen Fanger, CSB No. 191161
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111-3611
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
budwalsh@dwt.com

Attorneys for Defendants and Claimant
BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and
Claimant, F/V POINT LOMA Fishing Company, Inc.

**COX, WOOTTON, GRIFFIN,
HANSEN & POULOS LLP**
Gregory W. Poulos (SBN 131428)
Max L. Kelley (SBN 205943)
190 The Embarcadero
San Francisco, CA 94105
Telephone No.: 415-438-4600
Facsimile No.: 415-438-4601

Attorneys for Plaintiff
DEL MAR SEAFOODS, INC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.,
Plaintiff,

v.

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and,
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8 foot long fishing vessel, her engines,
tackle, furniture apparel, etc., *in rem*, and
Does 1-10,

Defendants.

No. C-07-2952-WHA

AMENDED

~~PROPOSED~~ FORM OF JUDGMENT

Pursuant to the Court's Order Adopting Special Master's Report and Recommendations,
dated December 23, 2008 (the "Order"), the parties jointly submit the following Proposed Form of
Judgment.

AMENDED

PROPOSED FORM OF JUDGMENT

Pursuant to the Judgment filed July 3, 2008 ("Judgment") in this matter, the Court entered judgment that Defendants are entitled to recover all reasonable attorney's fees and costs in defending this litigation and in prosecuting their counterclaims, subject to offset as set forth in the Judgment. The issue of attorney's fees and costs was subsequently referred to a special master and the Court adopted the report and recommendations of the special master on December 23, 2008 as set forth in the Order. Pursuant to the Order, the Court hereby enters judgment as follows:

1. This judgment incorporates the terms of the July 3, 2008 Judgment in this case.
2. Defendants are awarded \$34,400 in damages for their counterclaim. Defendants are awarded \$428,350.00 in attorney's fees and \$9,031.04 in costs as the prevailing party in the case. Defendants' total award is \$471,781.04 (the "Defendant's Award"), which is subject to the offsets set forth in Paragraphs 3 and 4, below.
3. Defendants' Award shall be offset against the amounts owed to Plaintiff for the secured and unsecured debts. Defendants owe Plaintiff for \$63,681.26 on the unsecured obligations and \$65,066.81 on the secured debt for a total of \$128,748.07. Defendants' Award shall be reduced by \$128,748.07.
4. The special master's fees and the transcript costs related to the special master proceedings shall be allocated equally among Plaintiff and Defendants. The total amount owed for the special master's fees and costs is \$19,266.86. Plaintiff will pay these fees and costs in the first instance and shall thereafter deduct the Defendants' share of the special master's fees and costs, \$9,633.43, from Defendants' Award.
5. After the offsets in paragraphs 3 and 4 are applied, Plaintiff shall pay Defendants a total of \$333,399.54 within ten (10) days of the entry of this judgment.
6. Interest shall be paid under the terms of the July 3, 2008 Judgment.

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1 DATED this 5th day of February, 2009.

2 Respectfully submitted,

3 DAVIS WRIGHT TREMAINE LLP

4
5 By: 

6 James P. Walsh
Gwen Fanger

7 Attorneys for Defendants and Claimant BARRY
8 COHEN, CHRIS COHEN (aka CHRISTENE
9 COHEN), the F/V POINT LOMA and Claimant, F/V
10 POINT LOMA FISHING COMPANY, INC.

11 COX, WOOTTON, GRIFFIN, HANSEN & POULOS

12 By: 

13 Gregory W. Poulos
14 Max L. Kelley

15 Attorneys for Plaintiff, DEL MAR SEAFOODS, INC.

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20 Judgment is approved and entered.

21 Dated: February 6, 2009.

